

Criminal Justice Services Board  
Minutes

March 13, 2008

**Members Present**

Sheriff Beth Arthur  
Sergeant Charles Condon  
The Honorable Robert L. Bushnell  
Mr. Jeffrey Dion  
Sheriff Charles Phelps  
Mr. Sherman Carl Vaughn, Sr.  
Ms. Jerri Smith  
Chief James R. Lavinder  
The Honorable Archer L. Yeatts, III  
Mr. Kevin S. Hodges  
Ms. Cookie Scott  
Mr. Barry Green  
Dr. Jay Malcan  
Mr. Jonathan McGrady  
Ms. Carol Sievers (proxy for Ms. Fahey)  
Mr. Alan Katz (proxy for Ms. Decker)  
Ms. Danielle Ferguson  
Mr. Walter A. McFarlane  
Chief A.M. "Jake" Jacocks  
Lt. Col. Robert Northern (proxy for Col. Steve Flaherty)

**Members Absent**

Ms. Nancy St. Clair Finch  
Mr. Edward M. Macon  
Mr. Christopher R. Webb  
The Honorable Marcus D. Williams  
Delegate Robert Hurt  
Delegate Beverly Sherwood  
Senator Kenneth W. Stolle  
Senator Frederick M. Quayle

**DCJS Staff Present**

Mr. John Kirby  
Ms. Ashaki McNeil  
Ms. Priscilla Bowers  
Ms. Loretta Lynch  
Mr. Leon Baker  
Ms. Lisa McGee  
Ms. Roz Trent  
Ms. Sheila Anderson  
Ms. Janice Waddy  
Mr. Joe Marshall  
Ms. Laurel Marks  
Mr. Burt Walker  
Ms. B.J. Northington  
Mr. John Colligan  
Ms. Fran Ecker  
Mr. Craig Hartley

**Guest**

Ms. Dawn Smith  
Mr. George Haudricourt  
Mr. Stephen Parm

## **Call to Order**

Chairwoman Arthur called the meeting to order at 11:00 a.m. in House Room “D” of the General Assembly Building. She then mentioned that Ms. B.J. Northington would serve as representative for the agency in the absence of Director Leonard G. Cooke. She then welcomed guests and thanked Board members for their presence at the meeting.

Chairwoman Arthur began the meeting by reminding guests and staff of DCJS to please sign in for the purpose of the minutes. Chairwoman Arthur also reminded all Board members to state their name when making a motion and when seconding, and to ensure that their microphones were turned on at their seating area; and to speak clearly for the purpose of the minutes. She also reminded staff and guests speaking from the floor to step up to the podium when speaking so the microphone would pick up their comments for the purpose of the minutes.

Chairwoman Arthur then asked Priscilla Bowers to take the roll. Ms. Bowers proceeded to call the roll and stated that there was a quorum with 20 members present.

Chairwoman Arthur thanked everyone for attending the meeting today. Chairwoman Arthur thanked those individuals who were sitting in as proxies for representatives of the Board: Mr. Alan Katz, Ms. Carol Sievers, Lt. Colonel Robert Northern.

Chairwoman Arthur informed the members of the Board that Mr. Alfred Dowe, representative of the Va. Municipal League had tendered his resignation effective February 25. She stated that Mr. Dowe was appointed to the Board on March 22, 2005 until the present time of his resignation. Chairwoman Arthur expressed the board’s appreciation for Mr. Dowe’s prior service to this Board and to the various subcommittees of which he served.

Chairwoman Arthur also mentioned that back in January, Ms. Bowers sent out an article to members of the Board regarding the proposed retirement of Chief Ray Lavinder, which would have been effective September, 2008. Since that time we have received word from Chief Lavinder that he had been asked by the Board of Supervisors, not to retire at this time, and he has indicated to them that he is willing to stay on. Chairwoman Arthur then offered congratulations to Chief Lavinder and stated that the Board truly appreciates the work that he does to support the Board and that they were happy to have him with us for a little while longer.

Chairwoman Arthur thanked everyone for complying with the Conflict of Interest Act Filings and Training and for getting the information to Roz Trent in a timely manner. She mentioned that the information had been submitted to the Secretary of the Commonwealth’s office on their behalf.

Chairwoman Arthur made everyone aware that there was an Administrative Hearing scheduled for today; the Department of Criminal Justice Services vs. Bob Carver. She stated that we would handle the business of the Board first, then break for lunch and then resume with the hearing. She further mentioned that lunch would be provided to Board members at the conclusion of the initial business of the board.

Chairwoman Arthur mentioned to members that they had information in their packets today on the Law Enforcement Terrorism Prevention Program (LETPP), Personal Protective Equipment

Phase II Initiative (handouts). She stated that this information is an update from the last meeting where funds were approved by this Board. She also mentioned that should members have any questions or concerns regarding the information provided, Mr. Tim Paul, DCJS, was present to answer questions.

### **Approval of Minutes**

Chairwoman Arthur called for any corrections, deletions or additions to the minutes of the December 13, 2007 Criminal Justice Services Board meeting.

Chairwoman Arthur then called for a motion to approve the minutes of the December 13, 2007 meeting. With no corrections or questions, a motion to adopt the December 13, 2007 minutes was made by Mr. Jeff Dion and seconded by Ms. Danielle Ferguson. The motion was granted to approve the minutes with no corrections.

Chairwoman Arthur stated that the minutes from the December 13, 2007 meeting were unanimously approved with no corrections.

Chairwoman Arthur then called upon Chief A.M. “Jake” Jacocks to give a special presentation before the board. Chief Jacocks then made a presentation of the IACP Life Membership Award to Mr. Tim Paul, Section Chief, Law Enforcement Services, DCJS.

### **Director’s Report**

Chairwoman Arthur then called upon BJ Northington, Chief Deputy Director to give a brief Director’s Report.

Chief Deputy Director BJ Northington thanked everyone for attending the meeting and began her report as follows:

Ms. Northington stated that the Director was away and she had the pleasure of filling-in for him today. She mentioned that Director Cooke was in Botswana, Africa until March 18, teaching a course there as part of the Law Enforcement Executive Development Program at the International Law Enforcement Academy.

Ms. Northington further stated that the Academy was created in 2000 as a result of an agreement between the U.S. and the government of Botswana to foster international cooperation in fighting crime. She said; the Director was invited by the State Department, with the FBI’s approval, to teach a two-week course for mid-level law enforcement officials from several countries, covering topics such as criminal investigations, public and judicial corruption and trends in law enforcement.

She mentioned that Director Cooke asked her to send Board members greetings and to let them know he would have stories to tell about his trip when the Board meets again in May.

### Legislative Session

Ms. Northington stated that this year's legislative session was busy as usual and there were, as usual, several bills that required our attention. She stated that Craig Hartley, Director, Division of Policy and Planning, led our legislative team this year. Mr. Hartley was then asked to give a brief update on the session.

Mr. Hartley addressed the board and stated that 34 of 80 Bills had passed the House and the Senate. Listed below are a few of the Bills that were briefly mentioned:

- Polygraph examination administration to victims of domestic violence
- Physical Evidence Recovery Kit
- CJSB Executive Committee's review of regulant appeals
- Locksmiths regulated by DCJS

Chairwoman Arthur thanked Mr. Hartley for his report and asked the Board if they had any questions or comments. There were none.

### Agency Risk Management and Internal Control Standards Presentation (ARMICS) –(Handouts)

Ms. Northington stated that new Agency Risk Management and Internal Control Standards (ARMICS) were issued to all state agencies by the Department of Accounts. She said the department was in the midst of reviewing agency controls and procedures to get into compliance with ARMICS. She asked John Colligan to give a brief overview of the ARMICS process.

Mr. Colligan gave a brief overview and addressed the following:

- State response to Federal Legislation
  - o Sarbanes-Oxley addressed corporate scandals
  - o OMB issued guidance for federal agencies
- Va. Dept. of Accounts
  - o Directive issued November 2006
  - o Risk-Based Assessment of Internal Controls
  - o Focus on Significant Fiscal Processes
  - o Rooted in Management Best Practices
  - o Va.'s "Best Managed State" Designation
- 3 Step Compliance Process
  - o Agency Internal Control Assessment – Due 9/30/07
  - o Process and Transaction Level Internal Control Assessment – Due 3/31/08
  - o Corrective Action Plan – Due 6/30/08
- Agency-wide involvement
- Senior Staff Participation
- Staff from Finance, Grants, Private Security, Information Technology
- On-going Assessment

Chairwoman Arthur thanked Mr. Colligan for his report and asked the Board if they had any questions or comments. There were none.

### Organizational Changes at DCJS

Ms. Northington stated that since the last meeting in December, the Director had initiated a couple of organizational changes at DCJS. She stated that in view of the continued growth of the agency's regulatory responsibilities; such as taking on the responsibility for regulating locksmiths, the agency decided to consolidate those activities into a new Division of Security and Regulatory Services that will be headed by Leon Baker. The new division will house the Private Security Services Section, the School Safety Center and the Office of Campus Security. Ms. Northington then asked Mr. Baker to stand.

She further stated that Craig Hartley would head the new Division of Law Enforcement and Research Services, which consists of the Standards and Training Section, the Law Enforcement Services Section and our Research Center. She said we feel this new alignment will better position the agency to fulfill its expanding responsibilities in the public and private security arena, and serve one of our core constituencies; the law enforcement community. Mr. Hartley was asked to stand.

### Federal Funding

Ms. Northington stated that at the federal level, justice assistance funding did not fare well. The Byrne/Justice Assistance Grant Program (JAG) was cut by two-thirds. At this point, we don't know what our JAG allocation will be in light of these cuts, as the feds have not completed their calculations yet. However, it is safe to say that our JAG-funded grant program will have to be significantly scaled-back.

Ms. Northington mentioned that another significant source of funds; the Law Enforcement Terrorism Prevention Program (LETPP) was reconfigured; but it appears that the funds available through LETPP for federal FY'08 may be higher than for '07.

The Violence Against Women Act's "STOP" grants and Juvenile Accountability Block Grant program appear to be funded at close to their '07 levels, while funding for the Juvenile Justice & Delinquency Prevention Act was reduced. As noted, we have not learned what our allocations from these programs will be, so we do not know the specific impact on our grant programs. Ms. Northington stated that we would keep Board members posted.

### Blueprints (Handouts)

Ms. Northington reported that Board members were given copies of "White Papers" that came out of the Blueprints sessions we held last year in Staunton. She stated that Board members would recall that we indicated we would hold another series of Blueprints sessions this spring. But, in light of the budget constraints we are facing and the uncertainties about the next budget, we have decided to hold off at this point until we see what, if any, resources we might have available. We are aiming for holding the sessions in the fall, but we need to see how our budget looks before beginning any planning.

### *Spirit of Youth*

Finally, Ms. Northington stated that we (DCJS) and the Advisory Committee on Juvenile Justice (ACJJ) are soliciting nominations for our third annual Virginia Spirit of Youth Award. The purpose of the award is to recognize and celebrate a young adult who has made great strides following involvement with the juvenile justice system; has overcome personal obstacles; and is today making significant contributions to society. The award provides an important opportunity to learn from a young person's direct experience about the hard work and dedication it takes to build a better life, and how juvenile justice professionals and systems can most effectively be of help.

Nominations are due to DCJS by April 9; and will be screened by a subcommittee of the Advisory Committee. The person chosen will be honored at our annual juvenile justice conference in June and invited to share his or her experiences. Information about the award is available on our website; just click on the Juvenile Services link on our main page. This concluded Ms. Northington's report.

Chairwoman Arthur thanked Chief Deputy Director, Northington for her report, and then asked the Board if they had any questions or comments. There were none.

### **Committee Reports**

#### *Committee on Training*

Chairwoman Arthur then called upon Sheriff Phelps to give a brief report on the Committee on Training (COT).

Sheriff Phelps reported that the COT met this morning at 9:00 a.m. Sheriff Phelps stated that the first order of business was the Public Hearing on the Suggested Changes to the Minimum Training Standards for Entry Level Law Enforcement Officers. The COT voted to adopt the suggested changes with one exception. Sheriff Phelps made a motion for the Board to accept the suggested changes as adopted by the COT and Mr. Green seconded the motion.

The second order of business was the Academy Certified/Re-certification of which the COT voted to adopt the recommendations to the academy re-certification standards as proposed. Sheriff Phelps then made a motion that the Board accept the recommendations of the COT and Mr. McGrady seconded the motion.

Sheriff Phelps mentioned that Donna Bowman and Steve Clark, DCJS staff, gave a brief status report on Campus Security Regulations and Training. This concluded Sheriff Phelps report.

Chairwoman Arthur thanked Sheriff Phelps for his report and asked the Board if they had any questions or comments. Judge Yeatts made an inquiry and Sheriff Phelps responded.

## **Presentations**

### **Virginia Center for School Safety Survey/Research Center (Handouts)**

Chairwoman Arthur called upon Ms. Sherri Johnson and Ms. Donna Bowman to give a brief report on the Va. Center for School Safety Survey. Ms. Johnson gave a brief overview of the history of the Va. School Safety Survey. The following areas were covered in the presentation:

- Review of Virginia School Safety Audit Reporting
- Annual Survey Development Process
- Survey Support
- School Identification and Demographic Information
- School Safety Survey Questions/Categories
- Crisis/Emergency Management Plan
- Student/Staff Security
- Student/Staff Surveillance
- Analysis of Survey Data
- Virginia School Safety Survey Findings
- Report Dissemination and Use
- Future Plans

Chairwoman Arthur thanked Ms. Johnson and Ms. Bowman for their report and asked the Board if they had any questions or comments. There were several inquiries made by Board members of which were addressed by Ms. Johnson and Ms. Bowman. There were also a few comments made by Board members where they felt there was a need to be more specific in the breakdown of the questions that were included in the survey to ensure the accuracy of the results.

## **Consideration of Grant Applications**

### **Advisory Committee on Juvenile Justice**

#### **Byrne/JAG Grants**

Chairwoman Arthur called upon Ms. Ashaki McNeil to give a brief report on the JJDP Byrne/JAG Grants.

Ms. McNeil addressed the Board and mentioned that the Board had before them documentation for a grant in the amount of \$58,694.50 to support the continuation of the Governor's Youth Community Service and Civic Engagement Program. During the first year localities were awarded up to \$10,000 to fund community service initiatives through a mini grant process that was approved by the Board. Due to the short time frame and the uniqueness of the grant, members of the CJSB were asked to review the application in lieu of a subcommittee. Ms. McNeil then requested that the Board approve the \$58,694.50 in Byrne funding.

Chairwoman Arthur thanked Ms. McNeil for her report and called for comments or questions. There were none.

Chairwoman Arthur then called for a motion. Ms. Ferguson made a motion and Mr. Vaughn seconded.

Chairwoman Arthur stated that it had been motioned and seconded that the Board accept the recommendations of the Advisory Committee on Juvenile Justice to support the continuation of the Governor's Youth Community Service and Civic Engagement Program.

### **Old/New Business**

Chairwoman Arthur asked the Board if there was any old or new business to be discussed. There were none.

Chairwoman Arthur then mentioned that she would give a subcommittee update based upon feedback from DCJS staff regarding the newly formed subcommittees.

Chairwoman Arthur mentioned that back in March, 2007 the Board created a New Law Enforcement Subcommittee, reconfigured the existing Corrections Subcommittee and eliminated the Justice Assistance Grant (JAG) Program Subcommittee, Certified Crime Prevention Certification and SRO/Community Policing Subcommittees.

In this new structure, JAG grants were assigned for review based on the content of the applications, i.e., law enforcement related grants would be handled by the new Law Enforcement Subcommittee, and JAG grants with a juvenile justice emphasis would be handled by the Advisory Committee on Juvenile Justice, and so on.

These changes came out of a discussion between the Executive Committee and staff and were intended to reduce the number of subcommittees, consolidate functions and make better use of Board member's time and expertise. DCJS Staff provided Chairwoman Arthur with the following updates on the subcommittees:

### **Law Enforcement Subcommittee**

DCJS staff reported that The Law Enforcement Subcommittee conducted an orientation for members after the new formation of this subcommittee. The new subcommittee combined past grant review subcommittees and another to review applications in the Certified Crime Prevention Community Program (CCPC).

They felt that the larger expanded subcommittee would benefit from coming together to discuss all of the duties that were likely to be asked of them and to consider how they might organize themselves for maximum efficiency.

At that time, the members met and elected a Chairman, Walter McFarlane, who had previously chaired the CCPC Subcommittee, and who had great, previous experience on the grant review Subcommittees. Since the formation as a new subcommittee, members have reviewed approximately 35 grant applications from the Byrne/JAG and LETPP Programs. They have also acted on three CCPC applications, one for new certification and two for re-certifications. This new formation is working out well.



### Corrections Subcommittee

DCJS staff has reported that since the new Subcommittees were established, they have had little need to meet. In the last cycle (mid-year continuations) for example, they had just one continuation grant to review.

The Subcommittee found it was unnecessary to meet in person, therefore they forwarded material about staff reviews and findings to the members for approval. Staff has recently sent correspondence to the group for May 22 to review CCCA, PSA, ORTS, RSAT and JAG grants. This review will be in preparation for the June 12<sup>th</sup> CJSB Meeting. All is going well.

Chairwoman Arthur thanked Board members for their continued support and hard work in serving on all of the Subcommittees of the CJSB.

At this time, Chairwoman Arthur mentioned that the Board would break for lunch for ½ hour and would then resume with the Administrative Hearing. Box lunches were provided for Board members.

### Public Comment

Chairwoman Arthur then called for public comments. There were none.

### Administrative Hearing

Vice-Chairman Barry R. Green called the hearing held in the matter of Bobby E. Carver vs. the Department of Criminal Justice Services to order. Pursuant to the *Code of Virginia section 9.1-141 and 9.1-102.20-250-350 and 6 VAC 20-171-550* of the Virginia Administrative Code relating to Private Security Services, the Board is authorized to conduct an appeal of the findings and decisions of the Director with a quorum of the Board present.

Ms. Bowers was asked to take the roll call with names of voting members of the Board on record. Ms. Bowers called the roll and acknowledged that there was 18 Board members present which constituted a quorum.

For the record, the following voting members were present:

Mr. Barry Green, Administrative Hearing Chairperson  
The Honorable Robert L. Bushnell  
Mr. Jeffrey Dion  
Ms. Carol Sievers (proxy for Ms. Helen Fahey)  
Mr. Sherman Carl Vaughn, Sr.  
Ms. Jerri Smith  
Chief James R. Lavinder  
The Honorable Archer L. Yeatts, III  
Ms. Cookie Scott  
Mr. Kevin S. Hodges

Dr. Jay Malcan  
Mr. Jonathan McGrady  
Lt. Colonel Robert Northern (proxy  
for Col. W. Steve Flaherty)  
Ms. Danielle Ferguson  
Sergeant Charles J. Condon  
Mr. Walter A. McFarlane  
Chief A. M. “Jake” Jacocks  
Sheriff Charles W. Phelps

Vice-Chairman Green asked that the parties for the hearing identify themselves for the record. Mr. Patrick Dorgan, Counsel for the Commonwealth, identified himself. Mr. Bobby E. Carver identified himself and stated that he did not have counsel present and that he was aware that he is entitled to have counsel present at these proceedings. Vice-Chairman Green then asked Mr. Carver if it was his intention to proceed without counsel? Mr. Carver stated yes, that was his intent.

Vice-Chairman Green stated that this was an appeal hearing held at the request of Mr. Carver in accordance with the Administrative Process Act and pursuant to 6 VAC 20-171-550. This hearing is an appeal of the decisions of the Director of Criminal Justice Services to revoke the Bail Bondsman license issued to Mr. Carver.

Vice-Chairman Green further stated that Mr. Carver, in his notice of this appeal hearing, was advised that the Board would review the evidence that was submitted at the Formal Hearing and that no new testimony or information would be considered at this hearing. However, Mr. Carver would be given an opportunity to respond to any summaries of prior proceedings held in this matter and make a statement to the Board.

Vice-Chairman Green stated for the record; Mr. Carver was properly noticed for the hearing. Vice-Chairman Green then asked the Petitioner, Mr. Carver and Counsel for the Commonwealth, Mr. Dorgan, if they had received all necessary materials for purposes of this appeal in a reasonable time prior to today. They both stated yes.

Vice-Chairman Green stated that based on said representations and in accordance with 6 VAC 20-171-550, there appears to be adequate notice in this matter and this appeal shall proceed. At this time, Vice-Chairman Green asked Counsel for the Commonwealth, Mr. Dorgan, to give a brief procedural history of this case.

Mr. Dorgan proceeded to give a brief procedural history of the case. Vice-Chairman Green then called for Mr. Carver to present his statement of appeal. Mr. Carver then proceeded to present his statement of appeal. Vice-Chairman Green then asked Board members if they had any questions for Mr. Carver and asked that Board members state their names for the record.

There were several questions asked by Mr. Bushnell and Mr. McGrady of which were answered by Mr. Carver. At this time, Vice-Chairman Green asked Mr. Dorgan to present his statement. Mr. Dorgan presented statements on behalf of the Commonwealth. Vice-Chairman Green then asked Board members if they had any questions for Counsel. Mr. Bushnell, Mr. Green and Mr. Dion asked a series of questions of which Mr. Dorgan responded and referred to specific pages in the transcript. This concluded questions from the Board at that time.

At this time, Judge Archer L. Yeatts stated that he had to leave at 1:45 p.m. Vice-Chairman Green then asked that we note for the record that one Board member was excused and inquired as to whether or not we would still have a quorum present. Ms. Bowers stated yes; with 17 Board members remaining, we had a quorum.

Mr. Bushnell, Sgt. Condon, Mr. Green, Mr. Dion and Ms. Ferguson continued to ask questions of Mr. Dorgan of which he answered. At this time, Vice-Chairman Green then advised Mr.

Carver to present his rebuttal. Mr. Carver presented his rebuttal, which was followed by several questions from Board members: Bushnell, McGrady and Green. Mr. Carver answered all questions and referred to specific pages within the transcript. This concluded questions from the Board.

At this time, Chief Jacocks made a motion for the Board to go into Executive Session and requested that Ishneila Moore, Counsel to the Board, and Priscilla Bowers, Secretary to the Board, remain in the closed meeting as their presence was deemed necessary.

Mr. Kevin Hodges seconded the motion. At that time, Vice-Chairman Green requested that guests (everyone except Board members, Ms. Moore, and Ms. Bowers) leave the room.

### CLOSED EXECUTIVE SESSION

At the conclusion of the closed session, guests and staff were allowed to enter the room. Vice-Chairman Green then called the meeting back to order asked the Board if there was a motion regarding the revocation of Mr. Carver's license as a Bail Bondsman.

Mr. Dion stated that after careful consideration of this matter by the Board, he moved that the Board sustain the Director's decision based on the following findings. Mr. Bushnell seconded the motion.

- 1) There was substantial evidence in the record to uphold the first conclusion contained in the Department's September 17, 2007 decision pursuant to Virginia Code section 9.1-185.8(B)(1) and (7); and
- 2) The record lacked substantial evidence of a violation of the Code regarding the Department's second conclusion in its September 17, 2007 decision.

The Board then voted unanimously to uphold the decision of the Department to revoke the bail bondsman license of Bobby E. Carver based upon the violations of the Virginia Code section 9.1-185.8(B)(1) and (7).

This concluded the hearing and the business of the Board.

### **Next Meeting Date**

Vice-Chairman Green reminded the Board that the next meeting of the Criminal Justice Services Board is scheduled for Thursday, May 8 at 11:00 a.m. in House Room "D" of the General Assembly Building.

### **Adjournment**

Vice-Chairman Green called for a motion to adjourn. The Board unanimously agreed to adjourn. Vice-Chairman Green thanked the Board, guests and staff for their attendance at the meeting today.

Respectfully submitted,

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Priscilla Bowers  
CJSB Secretary

Approved:

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Beth Arthur  
Chairwoman

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Barry Green  
Administrative Hearing Chairperson

